

## REMARKS

Claims 49-85 are pending in the present application. In the above amendments, claims 49-51, 55-61, 65-78 and 82-85 have been amended. Also, the specification, in paragraphs at page 6, lines 9-22, and page 8, lines 8-19, have been amended to correct minor errors. No new matter is added by the amendments to the claims and the specification.

*Applicant respectfully responds to this Office Action.*

***Claim Rejections – 35 USC § 112***

Claims 49-85 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.

With respect to claims 49, 59, 69 and 77, the terms “positive” and “negative” have been changed to “authenticated” and “not authenticated,” respectively. The written description for the terms “authenticated” and “not authenticated” is in the specification at page 7, lines 1-5, and at page 8, lines 8-19. Also, the written description for “determining the authentication status of the computing device” is in the specification at page 6, lines 19-20.

With respect to claims 50, 60, 70 and 78, these claims have been amended to recite “authenticated” and “not authenticated,” instead of “positive” and “negative,” consistent with the amendments to claims 49, 59, 69 and 77, described above.

With respect to claims 51 and 61, the written description for describing that the computing device’s authentication status may be represented by a hardware fuse is in the specification at page 6, lines 14-22.

With respect to claims 52, 62 and 79, the written description for describing that the authentication status of the computing device may be indicated by a flag is in the specification at page 6, lines 9-10 and 14-22.

With respect to claims 54, 64, 72 and 82, the written description for describing separate authentication flags to indicate the authentication status of each software program is in the specification at page 8, lines 1-3.

Claims 49-85 were rejected under 35 U.S.C. §112, first paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the application regards as the invention.

With respect to claims 49 and 59, the term “an application area” has been changed to “an application storage area,” in accordance with element 106 of Figure 1.

With respect to claims 49, 59, 69 and 77, the term “resident software’s authentication status” has been changed to “available software’s authentication status” in the last indented paragraphs of claims, in accordance with Figure 2.

With respect to claims 56-58, 66-68, 74-76 and 83-85, the “the” before “at least one piece” has been deleted. The phrase “at least one piece of the computing device’s resident software” can be interpreted to mean one program of the resident software in the computing device, or to mean more than one program of the resident software in the computing device.

Accordingly, the rejections of claims 49-85 under 35 U.S.C. §112, first paragraph, should be withdrawn.

### ***Objections to the Specification***

The specification was objected to for the following informalities: 1) reference to the “computing device” by the number 102 at page 6, line 20, when the correct number is 100; and 2) a missing “not” at page 8, line 18. The specification has been amended in accordance with the suggested corrections.

The specification was also objected to as failing to provide proper antecedent basis for the term “computer-readable medium” in claims 69-76. Claims 69-76 have been amended to recite “storage device,” which term is supported in the specification at page 4, line 28.

Accordingly, the objections to the specification should be withdrawn.

### ***Claim Rejections – 35 USC § 101***

Claims 69-76 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory matter. Claims 69-76 have been amended by changing the term “computer-readable medium” to “storage device,” which term is supported in the specification at page 4, line 28. Applicants assert that the term “storage device” does not cover transitory forms of signal

transmission (for example, a propagating electrical or electromagnetic signal). Instead, the term “storage device” covers a tangible “manufacture,” which article is patent-eligible subject matter under 35 U.S.C. §101.

Accordingly, the rejections of claims 69-76 under 35 U.S.C. §101 should be withdrawn.

### ***Claim Rejections – 35 USC § 102***

Claims 49, 50, 52, 54-60, 62, 64-70, 72-79 and 81-85 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,742,121 to Safadi (the Safadi patent).

The rejection of claim 49 as being anticipated by the Safadi patent is respectfully traversed. Claim 49 recites, “determining the authentication status of the computing device, wherein the computing device’s authentication status is authenticated if at least one piece of the computing device’s resident software has been authenticated, and the computing device’s authentication status is not authenticated if none of the computing device’s resident software has been authenticated” and “changing the computing device’s authentication status to authenticated and loading the available software if the computing device’s authentication status is determined to be not authenticated and the available software’s authentication status is determined to be authenticated.”

In Figure 3, the Safadi patent discloses responding to a download-software-object-request (step 100) by checking the authorization rights of a set-top box (steps 120, 140 and 200), and authenticating and authorizing the downloaded software (SW) object prior to its use on the set-top box (step 170). The authorization rights of the set-top box are defined by a subscription tier. See, column 5, lines 27-54, and column 7, lines 12-44. However, subscription-based authorization rights for a set-top box are different from an authentication status of a computing device determined based on authentication of resident software. Therefore, Applicants respectfully assert that the Safadi patent fails to disclose “determining the authentication status of the computing device, wherein . . . and the computing device’s authentication status is not authenticated if none of the computing device’s resident software has been authenticated” and “loading the available software into the application storage area if the computing device’s authentication status is determined to be not authenticated and the available software’s authentication status is determined to be authenticated,” as recited in claim 1.

Thus, Applicants respectfully assert that the Safadi patent fails to disclose all of the features recited in claim 49. Accordingly, the rejection of claim 49 as allegedly anticipated by the Safadi patent should be withdrawn.

It is respectfully submitted that dependent claims 50, 52 and 54-58 are at least allowable for the reasons given above in relation to independent claim 49.

Claims 59-60, 62, 64-70, 72-79 and 81-85 are computing device and storage device claims having features defined by language similar to that of method claims 49-50, 52, and 54-58. It is respectfully submitted that claims 59-60, 62, 64-70, 72-79 and 81-85 are at least allowable for the reasons given above in relation to claims 49-50, 52, and 54-58.

***Claim Rejections – 35 USC § 103***

Dependent claims 51 and 61 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over the Safadi patent in view of allegedly admitted prior art (APA) related to a hardware fuse. Applicants assert that the alleged APA fails to remedy the disclosure deficiencies of the Safadi patent, as discussed above with respect to independent claims 49 and 59.

Dependent claims 53, 63, 71 and 80 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over the Safadi patent. The Examiner acknowledged that the Safadi patent “does not explicitly disclose that the end user devices include a portable wireless communication device.” The Examiner then states, “[h]owever, it would have been obvious for one having ordinary skill in the art to modify Safadi’s disclosed system to include such a wireless device.” Applicants assert that the Examiner’s statement fails to remedy the disclosure deficiencies of the Safadi patent, as discussed above with respect to independent claims 49, 59, 69 and 77.

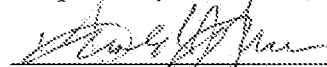
Accordingly, the rejections of claims 51, 53, 61, 63, 71 and 80 under 35 U.S.C. §103(a) should be withdrawn.

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

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Respectfully submitted,



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